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INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE
CHANGE
Third session
Nairobi, 9-20 September 1991

REPORT OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE ON THE WORK OF ITS THIRD SESSION, HELD AT NAIROBI FROM 9 TO 20 SEPTEMBER 1991

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I. INTRODUCTION

1. The third session of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change (INC) was held at Nairobi from 9 to 20 September 1991. The meeting was convened in pursuance of General Assembly resolution 45/212 of 21 December 1990, entitled "Protection of global climate for present and future generations of mankind", further to resolutions 43/53 of 6 December 1988 and 44/207 of 22 December 1989.*

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* For the reports of the first and second sessions, see A/AC.237/6 and Corr. 1 and A/AC.237/9. The Bureau of the Committee elected at the first session consists of:

Chairman	:	Mr. Jean Ripert (France)
Vice-Chairmen:		Mr. Chandrashekhar Dasgupta (India) Mr. Ahmed Djoghlaf (Algeria) Mr. Ion Draghici (Romania) Mr. Raul Estrada-Oyuela (Argentina)
Rapporteur	:	Mr. Ion Draghici (Romania)

The Bureaux of Working Groups I and II elected at the second session consist of:

Working Group I

Co-Chairmen	:	Mr. Nobutoshi Akao (Japan) Mr. Edmundo de Alba-Alcaraz (Mexico)
Vice-Chairman:		Mr. Mohamed Mahmoud Ould El Ghaouth (Mauritania)

Working Group II

Co-Chairmen	:	Ms. Elizabeth Dowdeswell (Canada) Mr. Robert F. Van Lierop (Vanuatu)
Vice-Chairman:		Mr. Maciej Sadowski (Poland)

II. ORGANIZATIONAL MATTERS

A. Opening of the session

2. In opening the third session, the Chairman, Mr. Jean Ripert, welcomed delegations to Nairobi and thanked members of the Bureau and the secretariat for their outstanding support for the inter-sessional work, which should help focus the complex negotiations ahead. He stated that greater momentum was now required to build a new type of cooperation which would provide the next step towards protection of the earth's climate. He recognized the problems posed by delayed availability of documents in all languages, but hoped that the work of the session would not be impeded.

B. Attendance

3. The meeting was attended by representatives of the following States:

Afghanistan
Algeria
Argentina
Australia
Austria
Bangladesh
Belgium
Benin
Bhutan
Bolivia
Botswana
Brazil
Burkina Faso
Burundi
Canada
Chad
Chile
China
Colombia
Comoros
Congo
Cook Islands
Costa Rica
Cuba
Cyprus
Czechoslovakia
Denmark
Dominican Republic
Ecuador
Egypt
Equatorial Guinea
Ethiopia
Federated States of Micronesia
Fiji
Finland
France
Gambia
Germany
Ghana
Greece
Guatemala
Guinea

Guyana
Holy See
Honduras
India
Indonesia
Iran (Islamic
Republic of)
Italy
Japan
Jordan
Kenya
Kiribati
Kuwait
Lao People's Democratic
Republic
Lebanon
Lesotho
Madagascar
Malawi
Malaysia
Mali
Malta
Mauritania
Mexico
Mongolia
Morocco
Myanmar
Nauru
Nepal
Netherlands
New Zealand
Nicaragua
Nigeria
Norway
Pakistan
Papua New Guinea
Paraguay
Peru
Philippines
Poland
Portugal
Republic of Korea
Romania

Rwanda
Saint Lucia
Sao Tome and
Principe
Saudi Arabia
Senegal
Sierra Leone
Singapore
Solomon Islands
Spain
Sri Lanka
Sudan
Sweden
Swaziland
Thailand
Togo
Tonga
Trinidad and
Tobago
Tunisia
Turkey
Tuvalu
Uganda
Union of Soviet
Socialist Republics
United Kingdom
of Great Britain
and Northern Ireland
United Republic of
Tanzania
United States of America
Vanuatu
Venezuela
Viet Nam
Yemen
Yugoslavia
Zaire
Zambia
Zimbabwe

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4. The following United Nations offices and programmes were represented at the meeting: Office of the Director-General for Development and International Economic Co-operation, United Nations Conference on Environment and Development (UNCED), United Nations Centre for Science and Technology for Development (UNCSTD), United Nations Environment Programme (UNEP) and United Nations Sudano-Sahelian Office (UNDP/UNSO).

5. The following specialized agencies and other organizations of the United Nations system were represented at the meeting: International Civil Aviation Organization (ICAO), United Nations Educational, Scientific and Cultural Organization and its Intergovernmental Oceanographic Commission (UNESCO/IOC), World Bank, World Meteorological Organization (WMO), as well as the WMO/UNEP Intergovernmental Panel on Climate Change (IPCC) and International Atomic Energy Agency (IAEA).

6. The following intergovernmental organizations were also represented at the meeting: Asian-African Legal Consultative Committee (AALCC), Central American Commission for Environment and Development (CCAD), European Economic Community (EEC), Organization for Economic Cooperation and Development (OECD), Organization of Petroleum Exporting Countries (OPEC), as well as Caribbean Meteorological Organization and South Pacific Regional Environment Programme (SPREP).

7. The following non-governmental organizations in consultative status with the Economic and Social Council were represented: Category II : Greenpeace International, International Council of Environmental Law, International Petroleum Industry Environmental Conservation Association, World Coal Institute and World Resources Institute; Roster: International Organization of Automobile Manufacturers, National Audubon Society and Natural Resources Defense Council, Inc.

8. The following other non-governmental organizations were also represented: African Centre for Technology Studies (ATCS), Alliance for Responsible CFC Policy, Alternative Fluorocarbon Environmental Acceptability Study (AFEAS), Bangladesh Centre for Advanced Studies, Climate Action Network (UK), Climate Council, Climate Network-Europe, Environmental Defense Fund, Environmental Development Action in the Third World, Environmental Protection Society (Malaysia), Forum of Brazilian NGOs for UNCED, Global Climate Coalition, Indonesia Environmental Forum (WALHI), International Union for the Conservation of Nature (IUCN), Kenya Consumers' Organization, Kenya Energy and Environment Organizations, Lega per l'Ambiente, Media Natura, Netherlands Society for Nature and Environment, Pro-Scientia, Save our Rain Forest Trust, Tata Energy Research Institute, The Energy Efficiency Center, Union of Concerned Scientists, United States Council for Internationa Business, Woods Hole Research Centre, World Wide Fund for Nature, Worldwide Kenya Forum and Zero (Regional Network of Environmental Experts).

C. Adoption of the agenda

9. At its 1st and 2nd plenary meetings, on 9 September 1991, the Committee adopted the following agenda (A/AC.237/10 and Corr.1):

1. Organizational matters:

   (a) Adoption of the agenda;

   (b) Organization of work;

   (c) Dates and venues of subsequent sessions;

   (d) Provisional agenda for the fourth session.

2. Preparation of a framework convention on climate change:

   (a) Elements related to commitments: draft text to be prepared by Working Group I;

   (b) Elements related to mechanisms: draft text to be prepared by Working Group II;

   (c) Consideration by the Plenary of progress reports submitted by the Working Groups.

3. Review of extrabudgetary funds:

   (a) Special voluntary fund to support the participation of developing countries;

   (b) Trust fund for the negotiating process.

4. Adoption of the report.

D. Documentation

10. The documents before the Committee at its third session are listed in the annex to the present report.

E. Organization of work

11. The Committee approved the organization of work contained in document A/AC.237/10 and Corr.1.

F. Dates and venues of future sessions

12. At its 5th plenary meeting, on 20 September 1991, the Committee confirmed that its fourth session would be held from 9 to 20 December 1991, at Geneva. With regard to dates and venues for the fifth session, the Committee was

informed of available dates at the main United Nations centres. After weighing various considerations, including the availability of facilities at different United Nations centres and the schedule of other intergovernmental meetings on environment and development, and in particular the Preparatory Committee for UNCED, the Committee decided to recommend to the General Assembly that its fifth session be held in February 1992, with the possibility of a resumed session for a few days in April. It noted that services would be available for a February session only at United Nations Headquarters, New York, and further recommended that this session be held there from 18 to 28 February 1992.

G. Provisional agenda for the fourth session

13. At its 5th plenary meeting, on 20 September 1991, the Committee took note of the following provisional agenda for the fourth session (A/AC.237/L.8):

1. Organizational matters:

   (a) Adoption of the agenda;

   (b) Organization of work;

   (c) Future work:

      (i) Calendar
      (ii) Arrangements for approval of the framework convention;

   (d) Provisional agenda for the fifth session.

2. Negotiation of a framework convention on climate change:

   (a) Elements related to commitments: draft text to be prepared by Working Group I;

   (b) Elements related to mechanisms: draft text to be prepared by Working Group II;

   (c) Consideration, integration and completion by the Plenary of the draft texts submitted by the Working Groups.

3. Consideration of scientific advice from IPCC.

4. Review of extrabudgetary funds:

   (a) Special voluntary fund to support the participation of developing coutries;

   (b) Trust fund for the negotiating process.

5. Adoption of the report.

III. PREPARATION OF A FRAMEWORK CONVENTION ON CLIMATE CHANGE

A. Statements by representatives of programmes and organizations of the United Nations system

14. At the 1st plenary meeting, on 9 September 1991, statements were made by the Executive Director of UNEP, the Secretary-General of WMO, the Deputy Secretary-General of UNCED and the Chairman of the Intergovernmental Panel on Climate Change (IPCC).

15. In his address, Dr. Tolba, the Executive Director of UNEP, noted that UNEP and WMO had collaborated in preparing the groundwork for the negotiations, notably through the Second World Climate Conference, the IPCC, a joint UNEP/WMO venture, and the World Climate Impacts Studies Programme. He expressed the hope that the negotiations would provide the necessary leadership in avoiding catastrophes which he said were likely to accompany climate change. He stated that the Nairobi session of the INC negotiations should build up momentum towards a concrete treaty text and timely arrangements should be made for the necessary work on legal drafting. He hoped that the convention would set a clear global objective and include legally binding agreements on reducing greenhouse gas emissions, energy efficiency and flexible, innovative and equitable mechanisms for technology tranfer and additional financing for developing countries. Dr. Tolba pointed out that scientific uncertainties notwithstanding, the negotiators must proceed without delay on the basis of the precautionary principle of "anticipate and prevent". He emphasized that, while it was important to estimate response costs, it was also important to know the costs of inaction. He pledged to work with IPCC in carrying out country studies to quantify sources and sinks of greenhouse gases in some developing countries, prepare emission inventories of greenhouse gases and assess costs and benefits of emissions reduction strategies. It was his hope that these studies would involve bilateral donors, the United Nations Development Programmme (UNDP), the Organisation for Economic Cooperation and Development (OECD) and the Global Environment Facility (GEF). In referring to the concept of "common but differentiated responsibility" he remarked that "one should not forget that part of carbon dioxide emissions by oil producing countries come from the process of production rather than consumption by the country concerned and hence should be added to the end users' emission levels."

16. Professor G.O.P. Obasi, Secretary-General of WMO, discussed several of the unresolved issues, both natural and anthropogenic, in the science of climate and climate change, including recent new results which were being evaluated by IPCC. He specifically cited major environmental events which had affected climate since the negotiations began, including the oilfield fires in Kuwait and the eruption of Mt. Pinatubo in the Philippines. He noted that global and regional climate studies and research relied on many years of reliable data and extensive international cooperation. He remarked that such long-term commitments for time periods of 10 to 20 years or more were not an easy task. However, he stated that significant benefits had been received already from those previous commitments, including the scientific information

provided to delegations through their national meteorological and hydrological services. Prof. Obasi said that the eleventh World Meteorological Congress expanded the scope of, and participation in, the World Climate Programme, initiated the multi-agency Global Climate Observing System and reinstated the Special Fund for Climate and Atmospheric Environment Studies to provide the data and information which would be needed for future policy formulation. He encouraged the negotiators to recognize and make optimal use of existing programmes and institutions, and to ensure adequate national commitments to climate monitoring and research in the framework convention.

17. Mr. Nitin Desai, Deputy Secretary-General of UNCED, noted that the programmes of UNCED's Agenda 21 should provide the basis for the expeditious and effective implementation of the agreements of the INC process. He emphasized that the energy sector was a crucial element of any broad atmosphere strategy, whose scope must cover more than climate. Consequently the third session of the Preparatory Committee had agreed to propose a set of programme areas, as part of Agenda 21, including: promoting the energy transition; increasing energy efficiency; promoting renewable energy sources and promoting transport systems which were safe and environmentally sound. In addition, he noted that programme areas relating to the impact of industry, agriculture and forestry on climate, consumption patterns and life styles would be taken up at the fourth session. He stated that Agenda 21 would also propose concrete actions in the areas of forestry, oceans, biodiversity and land-use, all of which were relevant to a convention on climate change.

18. Professor Bolin, Chairman of the Intergovernmental Panel on Climate Change (IPCC), explained the work of the Panel, highlighting those aspects which were of special significance to the negotiating process. He cautioned, however, that some of the work might not be completed in time for UNCED, although it would be useful in further negotiations of longer-term issues. On the use of scenarios in climate change projections, Professor Bolin identified the impact of socio-economic development of the global society on anthropogenic emissions of greenhouse gases, response of the earth system and the possible timing and magnitude of climate change as the major uncertainties. He informed the session that the IPCC supplementary assessment would be ready during February 1991, in time for the fifth session of INC. Professor Bolin expressed the hope that advantage would be taken of the experience and modalities of work by IPCC in any future institutional arrangements resulting from the INC process.

B. Report on Working Group I: Commitments

19. At its 1st plenary meeting, on 9 September 1991, the Intergovernmental Negotiating Committee, in accordance with its decision 1/1, allocated item 2(a) of its agenda, entitled "Preparation of a framework convention on climate change: Elements related to commitments" to Working Group I.

20. At its 1st meeting, on 10 September, Working Group I, bearing in mind rule 46 of the rules of procedure of the Committee, maintained the decision taken at its second session (A/AC.237/9, para. 25) that its meetings would be open unless it decided otherwise. Subsquently, Working Group I held 12 formal meetings and 9 informal meetings, between 10 and 19 September 1991.

21. At its 1st and 7th meetings, on 10 and 13 September, Working Group I approved its programmes of work for 10 to 14 September and 16 to 19 September, respectively (A/AC.237/WG.I/L.4/Rev.1 and A/AC.237/WG.I/L.5/Rev.1).

1. Principles

22. Working Group I considered this topic at its 1st, 2nd and 3rd meetings, on 10 and 11 September. Statements were made by representatives of 45 States.

23. Working Group I agreed that, on the basis of its discussion of documents A/AC.237/Misc.6 and A/AC.237/Misc.9, the Bureau would prepare a new document on "Principles", which would be considered in informal meetings (on 14 and 16 September), and later at a formal meeting.

24. At its 9th meeting, on 16 September, the Working Group considered the document on "Principles" (A/AC.237/WG.I/CRP.1). Statements were made by representatives of 9 States. The Working Group agreed that the Bureau would prepare a new paper based on document A/AC.237/WG.I/CRP.1, which would reflect, as far as possible, the proposals put forward during the discussions of this item, and that it would be attached to the draft report of the Working Group as annex I. 1/

2. Commitments on sources and sinks (Decision 1/1, annex, para. 6(a))

25. Working Group I considered matters under this item from its 3rd to 6th meetings, on 11, 12 and 13 September. Statements were made by representatives of 60 States, including one on behalf of the European Economic Community and its member States and one on behalf of States participating in the Committee which are members of the Arab Maghreb Union.

26. At its 6th meeting, on 13 September, Working Group I agreed that, on the basis of its discussions of documents A/AC.237/Misc.7 and Corr. 1 and A/AC.237/Misc.9, the Bureau would prepare a new document on "Commitments on sources and sinks", which it would first consider in informal meetings (on 16, 17 and 18 September).

27. At the 10th meeting of the Working Group, on 18 September, statements on documents A/AC.237/WG.I/CRP.2 and Add.1 were made by representatives of 6 States. Two non-governmental organizations also made statements. 2/ The Working Group agreed that the Bureau would revise those documents so as to reflect, as far as possible, the specific proposals put forward during the discussions on that item, and that they would be attached to the report of the Working Group as annex II. 1/

3. Commitments on financial resources and technology transfer [6 (b)] and commitments related to paragraph 6 (c) of the annex to decision 1/1

28. Working Group I considered this item at its 6th, 7th and 8th meetings, on 13 and 14 September. At its 6th meeting, the Working Group decided to divide the consideration of this item into two sections. Statements on financial

resources and technology transfer were made by representatives of 31 States, including one on behalf of the European Economic Community and its member States and one on behalf of States participating in the Committee which are members of the Arab Maghreb Union, at the 6th and 7th meetings. The Bureau was asked to prepare a new document reflecting, as far as possible, the views on financial resources and technology transfer put forward during those discussions, which it would first consider at informal meetings (on 18 and 19 September). The document A/AC.237/WG.I/CRP.3 was issued pursuant to that request.

29. With regard to commitments related to paragraph 6(c) of the annex to decision 1/1, the Working Group held two meetings on this subject on 13 and 14 September, and heard statements by representatives of 25 States. The Bureau was asked to prepare a new document reflecting the views put forward on commitments. This document (A/AC.237/WG.I/CRP.4) was similarly considered first at informal meetings (on 18 and 19 September).

30. At its 11th meeting, on 19 September, the Working Group discussed documents A/AC.237/WG.I/CRP.3 and A/AC.237/WG.I/CRP.4, hearing statements by representatives of six States. The Working Group agreed that the Bureau would revise those documents so as to reflect, as far as possible, the specific proposals put forward during the discussions on that item, and that they would be attached to the report of the Working Group as annexes III and IV. 1/

4. Preparation for the fourth session of INC

31. The Working Group agreed that the Bureau would further prepare a new document which would take into account the proposals and comments made by delegations, including those presented at the third session of the Committee in Working Group I, and would make it available to delegations as soon as possible before the fourth session.

C. Report on Working Group II: Mechanisms

32. At its 1st plenary meeting, on 9 September 1991, the Intergovernmental Negotiating Committee, in accordance with its decision 1/1, allocated item 2(b) of its agenda, entitled "Preparation of a framework convention on climate change: Elements related to mechanisms" to Working Group II.

33. At its 1st meeting, on 10 September, Working Group II, bearing in mind rule 46 of the rules of procedure of the Committee, maintained the decision taken at its second session (A/AC.237/9, para.36) that its meetings would be open unless it decided otherwise. Subsequently, Working Group II held 16 open meetings from 10 to 19 September 1991.

34. At its 1st and 7th meetings, on 10 and 13 September, Working Group II approved its programme of work for the session (A/AC.237/WG.II/L.3) on the basis of the draft programme of work proposed by the Bureau (A/AC.237/WG.II/L.2).

35. At its 1st meeting, pursuant to the request made by Working Group II approved by the Committee at its second session (A/AC.237/9, para.43), Working Group II had before it a single text prepared by its Co-Chairmen (A/AC.237/Misc.8).

36. After introductory statements by the Co-Chairmen, and statements by representatives of 10 States, Working Group II agreed to begin its work on the basis of the Co-Chairmen's text.

37. Working Group II considered the sections of the single text at its 1st to 16th meetings, from 10 to 19 September 1991, as follows:

1. Legal and institutional mechanisms related to scientific cooperation, monitoring and information (decision 1/1, annex, para. 7(b))

38. At its 1st meeting, statements on the general structure of section A were made by representatives of 20 States.

(a) Scientific and technical cooperation

39. At the 2nd meeting, on 11 September, statements or proposals related to this heading were made by representatives of 33 States.

(b) Exchange of information
Annex I: Exchange of information

40. At the 3rd meeting, on 11 September, statements or proposals related to these headings were made by representatives of 29 States.

(c) Research and systematic observation
Annex II: Research and systematic observation

41. At the 14th to 16th meetings, on 18 and 19 September, statements or proposals related to this heading were made by representatives of 34 States. A representative of a specialized agency made a statement. The observer of a non-governmental organization also made a statement.

42. At the 15th meeting, on 19 September, two proposals (A/AC.237/WG.II/CRP.3 and 4) were introduced as possible alternatives to the text contained under this heading in the Co- Chairmen's single text (A/AC.237/Misc.8).

43. At the same meeting, general comments were made by representatives of 19 States, including one on behalf of the European Economic Community and its member States, relating to the conceptual ideas and questions posed by the Co-Chairmen in their note contained in the single text under this heading relating to scientific assessment.

New proposal

44. At the 16th meeting, on 19 September, one delegation orally introduced a draft text on "Education, Training and Public Awareness" for possible inclusion in the single text (A/AC.237/Misc.8, sect.A).

45. The observer for a non-governmental organization made a statement.

2. Legal and institutional mechanisms, including, inter alia, entry into force, withdrawal, compliance and assessment and review (decision 1/1, annex, para. 7 (a))

(a) Conference of the parties

46. At the 4th and 5th meetings, on 12 September, statements or proposals related to this heading were made by representatives of 30 States.

(b) Secretariat

47. At the 5th meeting, statements or proposals related to this heading were made by the representatives of 17 States.

(c) Verification and compliance

48. At the 6th and 9th meetings, on 13 and 16 September, general statements on the concepts and questions posed by the Co-Chairmen in their note contained in the single text under this heading were made by representatives of 37 States.

(d) Settlement of disputes

49. At the 7th meeting, on 13 September, Working Group II held a general exchange of views on the graphic presentation and proposals related to these headings in the Co-Chairmen's single text and heard statements by representatives of 16 States.

(e) Adoption of protocols

50. At the 8th meeting, on 14 September, statements or proposals related to this heading were made by the representatives of 22 States.

(f) Relationship between the Convention and its Protocols

51. At the 8th meeting, statements or proposals related to this heading were made by representatives of 15 States.

(g) Relationship between the Convention and other legal instruments

52. At the 8th meeting, statements or proposals related to this heading were made by representatives of 15 States.

(h) Amendment of the Convention or its Protocols

53. At the 8th meeting, statements or proposals related to this heading were made by representatives of 18 States.

(i) Adoption and amendment of annexes

54. At the 8th meeting, statements or proposals related to this heading were made by representatives of nine States.

(j) Right to vote

55. At the 10th meeting, on 16 September, statements or proposals related to this heading were made by representatives of 13 States. The representative of one intergovernmental organization made a statement. 3/

(k) Signature

56. At the 10th meeting, statements or proposals related to this heading were made by representatives of two States.

(l) Ratification, acceptance or approval

57. At the 10th meeting, two proposals related to this heading were made by one State.

(m) Accession

58. At the 10th meeting, statements or proposals related to this heading were made by representatives of two States.

(n) Entry into force

59. At the 10th meeting, statements or proposals related to this heading were made by representatives of 25 States, including one on behalf of the States participating in the Committee which are members of the Alliance of Small Island States. The representative of one intergovernmental organization made a statement. 3/

(o) Reservations and declarations

60. At the 10th meeting, statements or proposals related to this heading were made by representatives of 17 States.

(p) Withdrawal

61. At the 16th meeting, on 19 September, statements or proposals related to this heading were made by representatives of seven States.

(q) Depositary

62. At the 16th meeting, a statement related to this heading was made by a representative of one State.

(r) Authentic texts

63. At the 16th meeting, statements or proposals related to this heading were made by representatives of three States.

New proposals

64. At the 16th meeting, two draft texts (A/AC.237/WG.II/CRP.1 and 2) were introduced for possible inclusion under a new heading entitled "Executive Committee" in the single text (A/AC.237/Misc.8, sect.B).

65. Statements on those drafts were made by representatives of eight States.

3. Legal and institutional mechanisms related to adequate and additional financial resources and technological needs and co-operation, and technology transfer to developing countries corresponding to the commitments agreed to in Working Group I (decision 1/1, annex, para. 7(c).

66. At the 11th and 12th meetings, on 17 September, statements or proposals on the concepts and questions posed by the Co-Chairmen in their note contained in the single text related to financial mechanisms were made by representatives of 39 States, including one on behalf of the European Economic Community and its member States, and one on behalf of the States participating in the Committee which are members of the Alliance of Small Island States. A representative of a specialized agency made a statement. A statement was also made by an observer for a non-governmental organization.

67. At the 12th to 14th meetings on 17 and 18 September, statements or proposals on the question of technology transfer were made by representatives of 22 States.

Terms for possible Definition/Clarification

68. At the 16th meeting, on 19 September, the Co-Chairmen introduced and orally corrected a note submitted by them (A/AC.237/WG.II/L.4) on terms for possible definition/clarification.

69. Statements in connection with that document were made by representatives of two States.

Action taken by Working Group II

70. At the 16th meeting, on 19 September, Working Group II decided to request its Co- Chairmen to prepare a revised Single Text for consideration at the fourth session of the Committee, taking into account all the views expressed

by delegations at the present and previous sessions, and those which might be received by the secretariat before 15 October 1991, with a view to having it serve as a basis for discusssion at the fourth session of the Committee.

71. The Working Group expressed the hope that the revised text to be prepared by the Co- Chairmen would be made available to delegations in all the official languages, well in advance of the fourth session of the Committee.

D. Consideration by the Plenary of progress reports submitted by the Working Groups

72. At the 3rd plenary meeting, on 13 September, the Co-Chairman of Working Group I, Mr. Edmundo de Alba-Alcaraz (Mexico) and the Co-Chairman of Working Group II, Mr. Robert F. Van Lierop (Vanuatu), reported orally, on their own behalf and on behalf of Co-Chairmen Mr. Nobutoshi Akao (Japan) and Ms. Elizabeth Dowdeswell (Canada) of Working Groups I and II respectively, on the progress made in their work since the beginning of the session. The Chairman made a statement. Statements were made by representatives of three States, including one on behalf of the Group of 77.

73. At the 4th plenary meeting, on 20 September, the respective Co-Chairmen of Working Groups I and II presented oral reports to the Committee on the work accomplished during the present session, giving their own impressions of convergences and divergences in views expressed on the matters under consideration. With respect to Working Group I, Mr. E. de Alba-Alcaraz reported on the discussion on principles and on commitments related to paragraph 6(a) of the annex to Committee decision 1/1; Mr. N. Akao reported on the discussion on commitments related to paragraphs 6(b) and (c) of the same annex. With respect to Working Group II, Ms. E. Dowdeswell and Mr. R.F. Van Lierop reported on the progress made towards achieving the objectives the Working Group had set itself. The main points of these impressions are summarized below.

I. Oral reports on Working Group I

(i) Principles

74. Three main ideas emerged from the discussion on principles:

(a) Most delegations felt that a chapter on principles was indispensable since it was meant to give orientation to the commitments and related mechanisms to be agreed upon under the Convention ;

(b) Many delegations were of the view that the chapter on principles should be closely linked to the obligations to be decided upon in the Convention;

(c) Some delegations questioned the need to include a separate chapter on principles under this Convention.

75. In stating their preferences several delegations indicated that some texts related to principles in the documents would more appropriately belong to the preambular chapter or the chapter on commitments. Those delegations favouring the inclusion of a chapter on principles indicated that they would like to see it short and to include a few major principles to govern and provide a solid foundation for the commitments and related mechanisms to be agreed upon in the Convention.

76. The inclusion of the principles of sovereignty, equity, common but differentiated responsibility and the precautionary principle was broadly supported; however, views differed on their wording and placement in the structure of the Convention. The inclusion of the concept of right to development was broadly supported but also questioned by some delegations. There was disagreement on the inclusion of the polluter pays principle and the principle of non-conditionality among the Group, as well as differences of interpretation and legal implications of these two principles. Several delegations considered of utmost importance the inclusion of the principle of additional financial resources and transfer of technology, and others felt that it might best be embodied either in the obligations or commitments.

(ii) Commitments related to decision 1/1, annex, para. 6(a)

77. The discussion on sources and sinks followed the structure contained in the consolidated text prepared by the Co-Chairmen (A/AC.237/Misc.9). In the course of the discussion on this item it became clear that the stucture was closely interrelated with the substance itself. Several suggestions were made regarding the structure, and this issue will be taken up in subsequent meetings of the Working Group. There was general agreement that the inclusion of a section on the long-term global objective was desirable. Delegations, however, differed on how the provisions were to be formulated.

78. On general commitments, some delegations were of the view that most of the commitments in that section were of a specific nature and should be applicable to developed countries only, with the exception of a few paragraphs. Some delegations on the other hand were of the view that obligations and commitments of a general nature should apply to all Parties including developing countries. In this connection some delegations stressed that the provision of financial resources should be linked with the acceptance and implementation of commitments and obligations on the part of developing countries. There were also proposals to differentiate between commitments by different categories of countries. Several countries proposed that the commitments should be structured according to the level of development, responsibility, etc. In this regard it was suggested that there should not be just two categories of countries, i.e. developed and developing, but several categories of countries. Others suggested that commitments should be structured according to the respective responsibilities of the Parties for inducing climate change and taking into account levels of per capita CO2 emission and per capita GNP. In this case, there should be two categories only, developed and developing.

79. Concerning stabilization and reduction of greenhouse gas emissions, many delegations proposed that stabilization of CO2 emissions should be undertaken by developed countries as soon as possible, more specifically at 1990 levels by the year 2000. There was also a proposal for options to implement commitments in cooperation with other Parties. In this connection the establishment of a clearing house mechanism was proposed. The general feeling of the Group was that there should be different degrees of commitments for developed and developing countries. The importance of reduction of emissions was stressed but the issue was not fully discussed.

80. With regard to sinks, whilst recognizing the importance of forests as a sink, many delegations stated that the issue of forests should be treated in general terms under this Convention since the issue was being considered in greater detail in the UNCED process. Other delegations were, however, of the view that forests should be adequately treated under the Convention. The important role of the oceans and seas as sink for GHGs was also emphasized, with suggestions being made for its further examination.

81. Another isssue discussed at length by the Working Group was the possible inclusion of a section on national strategies and programmes. Some delegations stressed the need for the formulation and implementation of national strategies or programmes. This section did not find favour with many developing countries who stated that it would constitute an interference in their domestic policy. As a means of ensuring the implementation of commitments on sources and sinks, reference was made to the concept of pledge and review.

(iii) Commitments related to decision 1/1, annex, para. 6(b)

82. With regard to commitments on financial resources and transfer of technology, there was clear recognition by the Working Group that this subject constituted a key element of the Convention if developing countries were to be able to meet their obligations and commitments. Many delegations from developing countries stressed that their ability to meet their commitments under the Convention was predicated on the provision of financial resources and technology transfer. Developed countries on the other hand were of the view that the provision of financial resources and transfer of technology was dependent on a commitment on the part of developing countries to implement their obligations under the Convention. There were two schools of thought on the mechanism to be adopted to facilitate the transfer of financial resources. Some delegations were in favour of strengthening bilateral arrangements and existing multilateral institutions, including the Global Environment Facility being operated under the aegis of the World Bank, UNDP and UNEP. Other delegations stated their preference for the creation of an international climate fund through which adequate, new and additional financial resources would be transferred from the developed countries. There was general agreement that whatever funding mechanism were created, it should be governed by the Conference of the Parties. On the question of contributions, one delegation was of the view that it should be on a voluntary basis. Others felt that contributions should be under an adjusted United Nations scale of assessment, or be governed by the principles of burden sharing.

83. Discussion on the transfer of technology centered on how it was to be effected, and on the type of technology to be transferred. A number of delegations were of the view that the transfer of technology should be on a fair and most favourable basis. Other delegations were in favour of a preferential, concessional and non-commercial basis for the transfer of technology. The transfer of safe and environmentally sound technologies as well as state-of-the-art technology was also discussed. The development of endogenous technology was highlighted.

84. Other proposals considered by the Group included: (a) the need to develop a methodology for country studies; (b) the concept of debt for environment; and (c) the creation of a Special Task Force to evaluate and recommend environmentally safe and sound technology for use by all Parties.

(iv) Commitments related to decision 1/1, annex, para. 6(c)

85. In discussing special situations, full recognition was given to the needs of developing countries, especially small island States, least developed countries, low lying coastal areas, arid and semi-arid areas, tropical areas liable to flooding, areas prone to tropical cyclones, areas liable to drought and desertification and fragile ecosystems including mountainous ecosystems. On the same subject, one delegation registered a note of caution by saying that in identifying special circumstances and situations, stark differentiation between categories should be avoided. It was further stated that more effort would be needed in the course of the negotiations to devise nuanced and flexible criteria for differentiation which acknowledged not only vulnerabilities but varying degrees of economic development and different capacities to accept and implement commitments to control emissions.

86. With regard to countries with economies in transition, there was general recognition that their problems should be given special attention. One delegation, however, felt that the category was vague and required proper clarification. Another delegation was of the view that countries with economies in transition should make commitments regarding greenhouse emissions, but that these commitments should be more flexible than those for the industrialized countries.

87. Some delegations called for the inclusion of countries whose economies were highly dependent on the production, exportation and consumption of fossil fuel, as well as countries heavily dependent on energy intensive industry in the category of countries under special situations.

2. Oral reports on Working Group II

88. When Working Group II began its deliberations, it set a number of objectives:

(a) To review all areas within its mandate;

(b) To consider concepts and functions related to mechanisms;

(c) To identify options and possibly choose some; and

(d) To produce some draft language.

The Co-Chairmen reported progress on all four issues.

89. The focus of the discussions was the Co-Chairs' Single Text. It proved to be a useful tool in exploring concepts and ideas and eliciting proposals from delegations for the formulation of possible draft articles. Throughout the discussions, Working Group II was conscious of the efforts underway in Working Group I. The results of its work on mechanisms would, in many cases, have to await finalization until the nature and extent of the commitments became clearer; but it was also recognized that some of the discussions, for example on scientific cooperation, touched on general obligations or commitments; therefore the results would have to be referred to Working Group I.

Science Mechanisms (Decision 1/1, annex, para.7(b))

90. The discussion of the science mechanisms began from a common starting point: the fact that science was fundamental to the Convention. There was strong support for scientific cooperation, although this section of the Single Text required some restructuring. In addition, there was widespread endorsement of the need for an article on education, training and public awareness, as well as emphasis on the need to include the social sciences, particularly socio- economics, to properly address the technological and development components of the science section. There were also some differences of view. The principal one related to the character of the provisions related to exchange of information. In addition, there was need to distinguish between scientific information and other types of information, for example those associated with reporting requirements.

91. Delegations were keenly interested in the draft articles and Annex on research and systematic observation. There was a general view that the relevant article should identify the reason for doing research and observation, explain how it was to be done and, very briefly, provide a summary of what should be done. There was broad acceptance of the view that the details would be best placed in the Annexes, leaving more substantive points for the articles. There was also a general discussion of the function of scientific assessment. While some questioned the need for a committee dealing with such a function, others stressed the importance of this function for the Convention.

Institutions (including Verification and Compliance, Dispute Settlement and Final Clauses) (Decision 1/1, annex, para.7(a))

92. The discussion of 7(a) falls into four distinct components: institutions, verification and compliance, settlement of disputes and final clauses.

93. There was unanimous acceptance of the need for a Conference of the Parties and a Secretariat and that the former should be the supreme decision-making body of the Convention. There was considerable support for a strong and independent secretariat. There was, however, some divergence of views on some of the functions of the secretariat. Several delegations also proposed the establishment of an Executive Committee with extensive authority under the Convention.

94. There was a very useful, albeit preliminary, discussion of verification and compliance, or review, mechanisms focusing on functions and not on draft text. The Co-Chairmen will translate the views expressed into draft articles, including alternative approaches. Final decisions on these alternatives will, however, be dependent on the outcome of Working Group I's deliberations. Many delegations strongly supported the concept of verification or review to promote compliance with the Convention. There were others who rejected the proposal as premature or as an infringement on national sovereignty. A range of views were expressed on the concept of reporting. The need for differentiated reporting between developed and developing countries was mentioned, as was the need to provide financial resources to developing countries to enable them to prepare any reports.

95. The Working Group also reviewed three options for dispute settlement provisions, although a decision on which option was most appropriate would depend on the nature of the agreed obligations. The importance of the linkages between dispute settlement and compliance and complaints mechanisms was also highlighted.

96. Finally, the Working Group discussed in some detail the concepts and language surrounding the possible final clauses of the Convention. There would be a need to consider carefully how the many references to Protocols throughout the Co-Chairs' text should be treated. Four options for triggering entry into force were identified.

Financial and Technology Transfer Mechanisms (Decision 1/1, annex, para.7(c))

97. With regard to financial resources, the Working Group had a good preliminary discussion which focused on mechanisms that would be employed to implement the commitments established in Working Group I. Two distinct options emerged. A first option would see the establishment of a separate financial mechanism under the authority of the Conference of the Parties, and possibly managed by an Executive Committee. An alternative option would be to make use of the existing World Bank/UNEP/UNDP Global Environment Facility, with amendments to its governance arrangements. Despite these two distinct approaches, there was general agreement that the Convention's Conference of the Parties should provide the necessary policy direction. In addition, many delegations supported the concept of a clearing house, although there were different views on its functions and whether it would be within, or separate from, the financial mechanism. There was also considerable interest in the proposed insurance scheme.

98. There was widespread agreement concerning the importance of a technology transfer or cooperation mechanism, under the control of the Conference of the Parties and linked to obligations. Several delegations advocated a close linkage between, or an integration of, the financial and technology transfer mechanisms. The concept of a technology clearing house was also endorsed by many delegations. Finally, many delegations referred to country studies as potentially contributing to the identification of technology needs.

3. Statements by delegations

99. Following these presentations, the Chairman, on behalf of the Committee, expressed appreciation for the progress made by the Working Groups in their deliberations.

100. Referring to the new documents to be prepared by the respective Co-Chairmen, several delegations recalled the normal rules and practices of the United Nations with respect to the timely distribution of documents in the official languages and expressed the hope that, without prejudice to those rules, the new documents would be distributed in each language as soon as available and as early as possible before the fourth session.

IV. REVIEW OF EXTRABUDGETARY FUNDS

A. Special voluntary fund to support the participation of developing countries

101. At the 3rd plenary meeting, on 13 September, the Executive Secretary reported on recent changes in the status of contributions to the special voluntary fund; these are recorded in document A/AC.237/11 and Corr.1. He drew attention to contributions forthcoming from UNDP and WMO, as well as the offer of the Executive Director of UNEP to consider providing bridging finance. Arrangements made for financing participation in the present session of the Committee, along the lines endorsed at the second session, had been utilized by some 80 developing countries. The Executive Secretary expressed thanks to the contributors to the fund, and to UNDP field offices which continued to be the main channels for issuing tickets and subsistence allowances to funded delegates.

102. The Executive Secretary reported that the expected balance in the fund, after expenditures for the first three sessions, was estimated at $US 370,000, provided that outstanding pledges were paid in. This balance, together with the contribution of $100,000 from UNDP, appeared to assure the capacity of the fund to finance participation in the fourth session of the Committee. The Executive Secretary hoped that the target of financing 100 delegates could be achieved for that session.

103. With regard to the pre-session seminars and training activities, amounts to be transferred from the Japanese Trust Fund for International Cooperation for Development were estimated at $US 110,000 for the second and third sessions of INC. The balance of the contribution from that Trust Fund should cover the cost of training activities prior to the fourth session; these would be conducted in the French language.

104. Concerning future funding needs, the Executive Secretary estimated that additional contributions of some $US 200,000 would be required to cover participation in the fifth session projected for 1992. He urged early contributions in order that timely arrangements might be made for participation of developing countries in that session. One delegation announced its intention to complete payment of its outstanding pledge shortly and to contribute further to the fund.

105. Several delegations of developing countries expressed thanks for the support available from the special voluntary fund. One of these requested that further consideration be given to sponsoring two delegates from each country, in order to better facilitate the participation of small developing countries in the negotiating process, and appealed for additional pledges for that purpose. Another requested that further support be provided for participation by regional organizations, as envisaged in Committee decision 1/2. One delegation proposed that the Executive Secretary seek a waiver of the regular deduction of 13 per cent for programme support costs from contributions to the special voluntary fund, noting that waivers had been granted for other intergovernmental bodies in the past.

106. Summing up the discussion, the Chairman conveyed the Committee's gratitude to contributors to the special voluntary fund, its satisfaction with the state of the fund and its endorsement of the use being made of it. He appealed for the additional contributions needed to support the negotiating process in 1992, pointing out that the extra amount needed for the fifth session was reasonable.

B. Trust fund for the negotiating process

107. At the same meeting, the Executive Secretary reported on the status of pledges to this trust fund, recorded in document A/AC.237/11 and Corr.1. He informed the Committee that, in anticipation of payments to the fund, INC secretariat expenses other than staff costs had been met through arrangements with the UNCTAD secretariat, authorized by the United Nations Controller.

108. The Executive Secretary indicated that, now that the secretariat staff had been assembled and been adequately accommodated and equipped in United Nations premises in Geneva, it was his intention to organize a better flow of information to delegations and non-governmental organizations. In this connection, he referred to the circulation of advance texts of documents, which would in no way supplant regular distribution procedures, but could permit an earlier start to preparations for Committee sessions.

109. One delegation announced its intention to contribute to this trust fund, for which the Executive Secretary expressed his thanks.

110. The Executive Secretary drew the attention of the Committee to the intention of the Secretary-General to seek funding for the INC secretariat for 1992 from the regular budget of the United Nations for the 1992-1993 biennium. The statement of programme budget implications would take account

of staffing needs, in the light of the tasks set by the Committee and of the level of contributions to the trust fund for the negotiating process. He expected that costs incurred in other parts of the United Nations Secretariat, for example Conference Services, might also have to be taken into consideration.

111. The Chairman concluded the discussion on this agenda item by expressing the Committee's gratitude to those who had contributed to the trust fund for the negotiating process and asking delegations to note the action expected of them at the General Assembly to ensure adequate staffing for the INC secretariat in 1992 and to provide for the other costs of the negotiating process.

V. ADOPTION OF THE REPORT

112. At the 5th plenary meeting, on 20 September, the Vice-Chairman (Mr. Ion Draghici), in his capacity as Rapporteur, introduced the draft report (A/AC.237/L.9).

113. The Chairman conducted a reading of the draft report, section by section, during which oral amendments were introduced.114. The Committee adopted the draft report as amended, authorizing the Rapporteur to reflect therein the proceedings of the 4th and 5th plenary meetings and to make any necessary editorial changes.

114. The Committee adopted the draft report as amended, authorizing the Rapporteur to reflect therein the proceedings of the 4th and 5th plenary meetings and to make any necessary editorial changes.

VI. CLOSURE OF THE SESSION

115. At the end of the 5th plenary meeting, on 20 September, the Chairman declared the third session of the Committee closed.

Notes

1/ The annex was attached to the draft report on Working Group I for information of the Committee, not for adoption (see A/AC.237/WG.I/WP.I).

2/ The representative of one State expressed reservations before the non-governmental organizations took the floor.

3/ The representative of the European Economic Community stated her preference for the use of the terminology "regional economic integration organization" and, while reserving her right to pursue this matter in the appropriate forum, stated that the use of different terminology in this report should not constitute a precedent.

ANNEX

List of documents before the Committee at its third session

A/AC.237/5	Rules of procedure
A/AC.237/6 and Corr.1	Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the work of its first session, held at Washington D.C., from 4 to 14 February 1991
A/AC.237/9	Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the work of its second session, held at Geneva, from 19 to 28 June 1991
A/AC.237/10 and Corr.1	Provisional agenda and annotations to the provisional agenda including suggestions for the organization of work
A/AC.237/11 and Corr.1	Review of extrabudgetary funds established under General Assembly resolution 45/212
A/AC.237/L.8	Provisional agenda for the fourth session
A/AC.237/L.9	Draft report
A/AC.237/Misc.1 and Addenda 1-14 (English only)	Set of informal papers provided by delegations, including "non-papers", related to the preparation of a framework convention on climate change
A/AC.237/Misc.5 and Add.1-3	Compilation of possible elements for a framework convention on climate change submitted by delegations, contained in document A/AC.237/Misc.1, Addenda 1-9
A/AC.237/Misc.6	Compilation of texts related to principles: submitted by the Bureau of Working Group I
A/AC.237/Misc.7 and Corr.1	Compilation of texts related to commitments: submitted by the Bureau of Working Group I
A/AC.237/Misc.8	Single text on elements related to mechanisms: submitted by the Co-Chairmen of Working Group II

A/AC.237/Misc.9	Consolidated text based on proposals regarding principles and commitments, presented by delegations: submitted by the Bureau of Working Group I
A/AC.237/Misc.10	Report of the International Meeting of Scientific and Technical Experts on Climate Change and Oceans (Malta, 19-21 July 1991)
A/AC.237/Misc.11	Provisional list of participants (Part.I)
A/AC.237/Misc.11/Add.1	Provisional list of participants (Part.II)
A/AC.237/Misc.11/Rev.1	Revised list of participants
INC/FCCC/INF.5	Practical information for participants
INC/FCCC/INF.6	New address of the INC secretariat
A/AC.237/WG.I/L.4/Rev.1	Programme of work (10-14 September 1991)
A/AC.237/WG.I/L.5	Programme of work (16-19 September 1991)
A/AC.237/WG.II/L.2	Mechanisms: Note by the Bureau
A/AC.237/WG.II/L.3	Mechanisms: Note by the secretariat
A/AC.237/WG.II/L.4	Terms for possible Definition/Clarification: Note by the Co-Chairmen

Available for reference purposes

General Assembly resolutions

45/212	Protection of global climate for present and future generations of mankind (21 December 1990)
45/211	United Nations Conference on Environment and Development (21 December 1990)
45/228	United Nations Conference on Environment and Development(22 December 1989)
44/207	Protection of global climate for present and future generations of mankind (22 December 1989)

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A/45/696/Add.1	Progress achieved in the implementation of resolution 44/207 on protection of global climate for present and future generations of mankind - Report by the Secretary-General (Final statement of the Scientific/Technical session of the Second World Climate Conference and Ministerial Declaration of the Conference)
INC/FCCC/None 9	Extracts of decisions adopted by the Governing Council of UNEP at its sixteenth session relating to climate change, May 1991
INC/FCCC/None 12	Relevant decisions adopted by the World Meteorological Congress at its eleventh session
INC/FCCC/None 24	Decisions taken by the third session of the Preparatory Committee for UNCED

Regional intergovernmental meetings

A/CONF.151/PC/10	Action for a common future. Report of the Economic Commission for Europe on the Bergen Conference (8-16 May 1990)
A/CONF.151/PC/38	Report of the Economic and Social Commission for Asia and the Pacific on the Ministerial-level Conference on Environment and Development in Asia and the Pacific (Bangkok, 15-16 October 1990)
A/CONF.151/PC/L.30	Tlatelolco Platform on Environment and Development, adopted by Ministers of the Latin American and Caribbean Countries at the end of the Regional Preparatory Meeting of the United Nations Conference on Environment and Development (Mexico City, 7 March 1991)
A/CONF.151/PC/85	Beijing Ministerial Declaration on Environment and Development adopted at the Ministerial Conference of Developing Countries on Environment and Development on 19 June 1991